

Applicant : Min ZHU et al.  
Appl. No. : 09/751,595  
Examiner : Uzma Alam  
Docket No. : 16440.4004

### REMARKS

Claims 1-29 are pending in the application. Applicants respectfully request reconsideration in view of the following remarks.

#### Claim Rejections

Claims 1, 6, 7, 12, 13, 18, 19 and 24-29 were rejected under 35 U.S.C. 1029(e) as being anticipated by Masters et al. (U.S. 7,051,098)<sup>1</sup>. Applicants respectfully traverse.

Claims 1, 7, 13, and 19 are patentable because Masters does not disclose or teach associating a management process with each of the plurality of logical processes, in which each logical process is capable of communicating with every other logical process through the respective management process and the management processes are monitored by a single supervisor processor to determine whether a quality of service is met. The management processes associated with the logical processes are not taught by the instrumentations daemons (IDA-IDN) of Masters. Each instrumentation daemon, which resides on a host A-N, reads instrumentation data from the applications on the respective host and sends the data to an instrument collector 10 in the Resource Management Architecture RM. See, e.g., col. 5, lines 62-67. However, nowhere does Masters disclose an application communicating with other applications through the respective instrumentation daemon. The management processes associated with the logical processes are also not taught by the Host Monitors HMAs of Masters. Butler does not make up for these deficiencies in Masters.

For at least the reasons given above, Applicants submit that claims 1, 7, 13, and 19 are patentable, and respectfully request that the rejection be withdrawn.

Claims 6-7, 12, 18, and 20-24 depend from claims 1, 7, 13, and 19, respectively, and are therefore patentable for at least the reasons given above.

Claims 2-5, 8-11, 14-17 and 20-23 were rejected under 35 U.S.C 103(a) as being unpatentable over Masters et al. (U.S. 7,051,098) in view of Butler (U.S. 6,584,493). Applicants respectfully traverse.

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<sup>1</sup> The Office Action rejected these claims as being anticipated by Masters in view of Butler. Applicants believe that the Examiner meant anticipated by Masters only.

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Claims 2-5, 8-11, 14-17 and 20-23 depend from claims 1, 7, 13, and 19, respectively, and are therefore patentable for at least the reasons given above.

### CONCLUSION

Applicants submit that the claims are in condition for allowance. Should the Examiner have any questions regarding this Amendment, he is invited to call the undersigned attorney at 949-567-6700 at his convenience.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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By: \_\_\_\_\_

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